

House File 211 - Introduced

HOUSE FILE _____

BY BAILEY, ARNOLD, BEARD, BELL, BERRY,
BUKTA, DE BOEF, DEYOE, DOLECHECK,
DRAKE, FORRISTALL, FREVERT, HAGENOW,
HEATON, HELLAND, HORBACH, HUSEMAN,
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VAN ENGELLENHOVEN, WATTS, WENDT,
WENTHE, WHITAKER, WINDSCHITL,
and ZIRKELBACH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of smoking in outdoor areas of
2 bars and restaurants and in theaters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1788HH 83
5 pf/rj/24

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1 1 Section 1. Section 142D.2, subsections 1 and 17, Code
1 2 2009, are amended to read as follows:
1 3 1. "Bar" means an establishment where one may purchase
1 4 alcoholic beverages, as defined in section 123.3, for
1 5 consumption on the premises ~~and in which the serving of food~~
~~1 6 is only incidental to the consumption of those beverages.~~
1 7 17. "Restaurant" means ~~an eating establishments~~
1 8 ~~establishment~~, including a private ~~and or~~ public school
1 9 ~~cafeterias cafeteria~~, which ~~offer offers~~ food to the public,
1 10 guests, or employees, including the kitchen and catering
1 11 facilities in which food is prepared on the premises for
1 12 serving elsewhere, and including ~~a bar an~~ area within a
1 13 restaurant where one may purchase alcoholic beverages, as
~~1 14 defined in section 123.3, for consumption on the premises.~~
1 15 Sec. 2. Section 142D.3, subsection 2, paragraph b, Code
1 16 2009, is amended by striking the paragraph.
1 17 Sec. 3. Section 142D.4, Code 2009, is amended by adding
1 18 the following new subsections:
1 19 NEW SUBSECTION. 12. The outdoor seating and serving areas
1 20 of bars and restaurants, unless such outdoor seating or
1 21 serving area is an outdoor area in which smoking is prohibited
1 22 pursuant to section 142D.3 or 142D.5.
1 23 NEW SUBSECTION. 13. Theaters and other theatrical
1 24 production sites where live theatrical performances are
1 25 conducted only as follows:
1 26 a. Only the actors or actresses involved in the theatrical
1 27 performance are allowed to smoke as part of the theatrical
1 28 performance, if the smoking is integral to the script or story
1 29 line of the performance.
1 30 b. Notice that smoking is part of the theatrical
1 31 performance is provided to theater patrons and employees in
1 32 advance, and notice and the name of the character and the
1 33 actor or actress playing the character are included in the
1 34 performance program.
1 35 c. The primary use of the location is as a theater or
2 1 theatrical production site.
2 2 EXPLANATION
2 3 This bill relates to the regulation of smoking in outdoor
2 4 areas of bars and restaurants under the "Smokefree Air Act".
2 5 The bill redefines "bar" by eliminating any reference to
2 6 the amount of food served relative to the consumption of
2 7 alcoholic beverages on the premises of such an establishment

2 8 and amends the definition of "restaurant" consistent with the
2 9 new definition of bar.
2 10 The bill also eliminates the explicit prohibition of
2 11 smoking in the outdoor seating and serving areas of
2 12 restaurants only, and instead includes a provision explicitly
2 13 exempting the outdoor seating and serving areas of both bars
2 14 and restaurants from the smoking prohibition, unless the
2 15 outdoor area is an outdoor area in which smoking is prohibited
2 16 specifically or the person in custody or control of the area
2 17 has declared the outdoor area as a nonsmoking place.
2 18 The bill also includes a provision explicitly exempting
2 19 theaters and other theatrical production sites where live
2 20 theatrical performances are conducted from the smoking
2 21 prohibition, if certain criteria are met. The criteria
2 22 include that only actors and actresses involved in the
2 23 performance are allowed to smoke as part of the performance if
2 24 the smoking is integral to the script or story line of the
2 25 performance; notice of smoking during the performance is
2 26 provided to theater patrons and employees in advance, and
2 27 notice and the name of the character and actor or actress
2 28 playing the character are included in the performance program;
2 29 and the primary use of the location is as a theater or
2 30 theatrical production site.
2 31 LSB 1788HH 83
2 32 pf/rj/24.1